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LUCENT TECHNOLOGIES INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING, an agency of the State of
California,

Plaintiff, and

STEVEN J. CARAUDDO

Plaintiff-Intervenor

v.

LUCENT TECHNOLOGIES, INC., and
DOES 1 through 20,

Defendants.

CASE NO.: 3:07-cv-03747-PJH

**DECLARATION OF LESLIE J. MANN
IN SUPPORT OF DEFENDANT LUCENT
TECHNOLOGIES INC.'S OBJECTION
TO THE TRAVIS GATUS
DECLARATION SUBMITTED BY
PLAINTIFFS IN OPPOSITION TO ITS
MOTION FOR SUMMARY JUDGMENT
OR IN THE ALTERNATIVE PARTIAL
SUMMARY JUDGMENT**

Hearing Date: November 19, 2008
Time: 9:00 a.m.
Courtroom: C, 15th Floor
The Honorable Phyllis J. Hamilton

I, Leslie J. Mann, declare:

1. I am a Senior Attorney with the law firm of Epstein Becker and Green, P.C., counsel of record for Lucent Technologies Inc. ("Defendant") in this matter. I am an active member in good standing of the Bar of the State of California. I am making this declaration in support of Defendant's objections to Plaintiffs' evidence offered in opposition to its Motion for Summary Judgment or in the Alternative, Partial Summary Judgment. If called as a witness in

1 this action, I could and would competently testify to the following facts, based on my own
2 personal knowledge.

3 2. Attached as Exhibits 1-6 are true and correct copy of the initial and supplemental
4 disclosures served by Plaintiff Department of Fair Employment and Housing and Plaintiff-
5 Intervenor Steven Carauddo (collectively "Plaintiffs") in this action. After reviewing these
6 initial and supplemental disclosures, as well as Plaintiffs' respective responses to Lucent's
7 written discovery, I have determined that Plaintiffs never identified Travis Gatus as a potential
8 witness in support of their claims. The discovery responses are not attached due to their length.

9 3. Plaintiffs' submission of Mr. Gatus' declaration in opposition to Lucent's Motion
10 for Summary Judgment –after having failed to identify him as a witness in their disclosures or
11 discovery responses –has severely prejudiced Lucent. Plaintiffs have deprived Lucent of the
12 opportunity to examine this witness to assess the extent of his personal knowledge on matters in
13 controversy in this case and to therefore determine the veracity and accuracy of the assertions
14 made in his declaration.

15 I declare under penalty of perjury under the laws of the United States of America that the
16 foregoing is true and correct and that this declaration was executed on this 18th day of
17 November, 2008, at San Francisco, California.

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19 /s/ Leslie J. Mann
20 Leslie J. Mann
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